

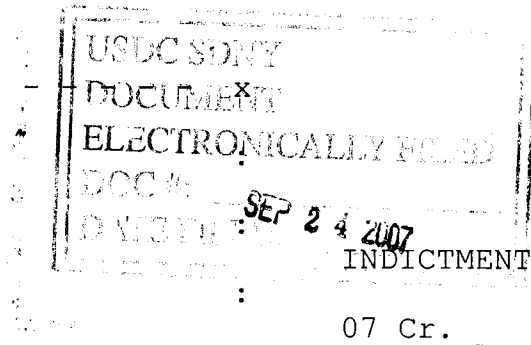
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

EARL MALLOY,  
a/k/a "John McCloy,"

Defendant.



07 CRIM.

898

COUNT ONE

The Grand Jury charges:

1. On about or about August 16, 2007, in the Southern District of New York, EARL MALLOY, a/k/a "John McCloy," the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, and having had three previous convictions for a violent felony, committed on occasions different from one another, to wit, (i) a conviction on or about August 6, 1999, in New York Supreme Court, Bronx County, for robbery in the third degree, a Class D felony; (ii) a conviction on or about April 19, 1989, in New York Supreme Court, Bronx County, for robbery in the first degree, a Class B felony; and (iii) a conviction on or about July 15, 1983, in New York Supreme Court, Bronx County, for attempted robbery in the second degree, a Class D felony, unlawfully, willfully, and knowingly did possess in and affecting commerce, a firearm and ammunition, to wit, a loaded Taurus .357 caliber handgun and two Companhia Brasileira de Cartuchos ("CBC") .357 caliber bullets,

Judge Marrero

which previously had been shipped and transported in interstate and foreign commerce.

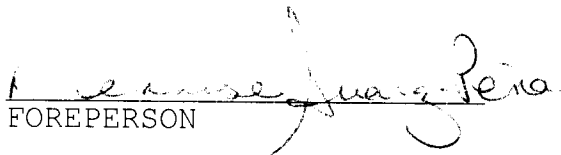
(Title 18, United States Code, Sections 922(g)(1) and 924(e).)

**COUNT TWO**

The Grand Jury further charges:

2. On or about August 16, 2007, in the Southern District of New York, EARL MALLOY, a/k/a "John McCloy," the defendant, together with others known and unknown, unlawfully, willfully, knowingly, and with the intent to cause death and serious bodily harm, did take a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce from the person and presence of another by force and violence.

(Title 18, United States Code, Sections 2119(1) and 2.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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INDICTMENT

07 Cr.

(18 U.S.C. §§ 922(g), 924(e),  
2119(1) and 2)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

Foreperson.

Dennise Suarez-Peña

Dennise Suarez-Peña

9/24/07 Filed Indictment. Case assigned to  
Judge Marner